

## **REMARKS**

At the time the present Office Action issued, claims 1 to 17 were pending.

### **Formal explanation of the Claim Amendments**

Claims 1-2 and claim 6 have been canceled.

Prompted by the Examiner's rejection in Numbered paragraph 2 of the Office Action, the phrase "such as" has been removed from the claims (notably claims 8 and 12) or omitted when amending other claims using subject matter from claim 1 (notably claim 3). The optional subject matter ("pulverized coal or fly ash") that followed the phrase "such as", has now been captured in new dependent claims 18, 20, and 23.

Antecedent basis has been provided where necessary in claims 3, 4, 8, 9, 11, 12, and 14 as asked for by the Examiner in Numbered Paragraph 2 of the Office Action.

Claim 3 has been amended by including subject matter from canceled claim 1, making formal corrections as set forth above, and by including the phrase "wherein said inner wall comprises an inner wall of the second flange". This phrase has been derived from canceled claim 2 with support from lines 29-31 on page 2 of the specification. The word "preferably" in line 30 makes clear that the inner wall of the flange is considered part of the inner wall of the outer shell.

In Claim 5, the reference to claim 4 has been amended to a reference to claim 3. This is based on the claim dependency of claim 5 as was originally presented in the International application.

In Claims 7, 10, and 11, the reference to claim 1 has been amended to a reference to claim 3 because the relevant subject matter of claim 1 has been included in claim 3.

In Claim 8, the phrase "the lower portion of the inner shell is cylindrical" has been amended to "a lower end portion of the inner shell is essentially cylindrical". Basis for "end portion" is found in the drawings, which show a cylindrical end portion 17. Basis for "essentially" is found on page 7 lines 8-10 which disclose that grooves may be present in the outer wall and allow the outer wall to be conical near its lower rim.

The phrase "wherein the connection between the inner shell and the outer shell is sealed by means of a gasket" has been added to claim 12. This is based on language from original claim 6.

New claim 19 is based on language appearing on page 6 lines 7-8 of the specification. The term "lug or ring" originates from original claim 3.

New claim 21 recites a feature originally appearing in claim 1.

Claim 22 is based on subject matter from original claim 3.

New independent claim 24 contains subject matter from original claim 6 combined with subject matter from original claim 1.

Each of new claims 25 to 28 ultimately depends on claim 24. The claims are respectively based on original claims 2 to 5.

New independent claim 29 is based on original claim 12 combined with subject matter from original claim 3.

New independent claim 30 is based on those features from original claim 8 that pertain to the discharge device.

New independent claim 31 is based on subject matter of original claim 4 combined with subject matter of original claim 1.

New claim 32 is based on original claim 5.

New claim 33 is based on lines 17-18 of page 7 of the specification.

New claims 34 and 35 are based on lines 15-16, also on page 7 of the specification.

Thus, every amendment finds basis in the original claims and/or specification and it is therefore respectfully submitted that none of the amendments constitutes an addition of subject matter.

#### Claim rejections under 35 USC § 112

In Numbered paragraph 2 of the Office Action, claims 1 to 17 were rejected under 35 USC §112 second paragraph, as being indefinite. Although every claim was rejected, the issues pertained in essence only to the independent claims 1, 8, and 12.

Amendments have been made to overcome the rejection. The phrase “such as” has been removed from the subject matter of claim 1 (now incorporated into claim 3); and claims 8 to 12, and antecedent basis has been provided where necessary in claims 3, 4, 8, 9, 11, 12, and 14.

With regard to the use of the term “discharge device”, however, the rejections are respectfully traversed.

The term itself is in Applicant’s opinion sufficiently clear. Moreover, there are clear unambiguous structural features present in the claims pertaining to the discharge device, such as:

- a converging outer shell;
- a converging permeable inner shell;
- features relating to the positioning of the inner shell in the outer shell.

The invention underlying the claims relates to structural aspects of the discharge device and the vessel for storing particulate matter. Hence, it does not require “pneumatically discharging of the particulate matter”, and therefore Applicant does not regard such features as part of his invention. Hence, requiring incorporation of such language in the claims would unduly limit the scope of the claims to less than what the Applicant is entitled to based on the disclosure.

It is thus respectfully submitted that the claims, as currently amended, comply with the requirements of 35 USC §112, second paragraph. Consequently, reconsideration and withdrawal of the rejection are respectfully requested.

Claim rejections under 35 USC § 102

In view of Walters

In Numbered paragraph 4 of the Office Action, claims 1-5, and 8-17 have been rejected under 35 USC §102(b) as being anticipated by Walters (US 4,413,758). The Office Action states that Walters discloses:

- a vessel 10
- a discharge device 25
- a converging outer shell 26
- a permeable converging inner shell 30
- first flange 13
- second flange 29
- ring 32 – Figure 4;
- element for matching 33
- third flange 38
- lower inner shell portion 30
- stuffing box, lower wedge portion of lower 33
- injection inlet 37.

It has further been noted by the Examiner that, as the inner shell is a fabric it is attached to the ring 32 only in a woven manner. Further, Walters is said to be silent on flange selection and that therefore it employs standard flanges. The Office Action also alleges that the Applicant is acknowledging that those flanges are old.

Attorney for Applicant respectfully traverses the rejections, at least insofar as applicable to the amended claims.

The rejections of claims 1 and 2 have become moot due to the cancellation of these claims.

The rejection of claim 3 is not supported by the evidence (Walters). The Examiner states that Walters discloses a ring 32 (in Fig. 4). However, 32 is not a ring but a hole in flange 29 (aligned with hole 31 in flange 13 through super-imposed layers of fabric 14 and 30) as evidenced in Col. 3 lines 51-59.

In any case, Walters does not show a lug or ring provided on the inner wall of the flange 29. Instead, the fabric 30 is held by confinement (together with fabric 14) between flanges 29 and 13 (see Col. 3 lines 55-56). The specification, page 2 lines 6-16, reveals that this is precisely what Applicants had set out to avoid.

The elements 33 are merely spacers, not lugs nor rings.

Hence, reconsideration, and ultimately withdrawal of the present rejection of claim 3 is respectfully requested.

Withdrawal the rejection based on Walters of claim 3 would also entail withdrawal of the rejections of the remaining claims that are dependent on claim 3 (i.e. claims 4, 5, 10, 11).

The rejection of claim 4 is not supported by the art, either. Firstly, claim 4 is dependent on claim 3 and therefore argument set forth above with regard to claim 3, is also applicable to claim 4. In addition the Office Action alleged that reference number 33 corresponds to a matching element. However, claim 4 requires that the matching element has been attached to the inner wall of the first flange. However, in Walters, element 33 has not been attached to flange 13. Therefore, the rejection of claim 4 is not supported by Walters.

Attention is respectfully drawn to new independent claim 31, which is based on the on subject matter of original claim 4 combined with subject matter of original claim 1 without the intervening claims 2 and 3. Thus, a rejection under 35 USC §102(b) of claim 31 would also not be supported by Walters, at least for failure to disclose a matching element attached to the inner wall of the first flange.

It is next respectfully submitted that the rejection of (independent) claim 8 is not supported by Walters. The lower end portion of the fabric 30 in Walters is not cylindrical but it is flaring outward forming a flange that is confined between flanges 38 and 39 (see Fig. 4). To more clearly distinguish over the art, the word “end” has been added to “lower portion of the inner shell” to form “lower end portion of the inner shell”. Consequently, withdrawal of the rejection based on Walters of claim 8, and of the rejected claims 9, 16 and 17 dependent on claim 8, is respectfully requested.

The rejection as applied to claim 12 is no longer applicable, because claim 12 has been amended to include the features “wherein the connection between the inner shell and the outer shell is sealed by means of a gasket”. This is based on language of claim 6, which

has been held allowable in Numbered paragraph 6 of the Office Action. Hence, withdrawal of the rejection of claim 12 and of the claims 13-15 depending on claim 12, is respectfully requested.

*In view of Anderson*

In Numbered paragraph 5 of the Office Action, claims 1, 3, 7, 12-13, 15 and 17 have been rejected under 35 USC §102(b) as being anticipated by Anderson (US 3,254,766). The Office Action states that Anderson discloses in Figure 2:

- a vessel 10
- a discharge device 12
- a converging outer shell 13
- a permeable converging inner shell 15
- first flange at 11
- second flange 11
- ring 16;
- injection inlet 58.

Attorney for Applicant respectfully traverses these rejections, at least insofar as applicable to the amended claims.

Due to cancellation of the claim, the rejection of claim 1 has become moot and will not be further discussed.

The rejection of claim 3 is not supported by the art. Item 16 is not a ring, as alleged in the Office Action, but an upper end of the porous plenum screen 15 (see Col. 2 lines 56-58). Anderson in any case does not disclose an inner shell attached to a ring 16, because the area 16 itself is (part of) the inner shell. Thus, the inner shell in Anderson, in the form of plenum screen 15, is directly attached to the inside wall of the lower hopper section 12 at 16 (see Anderson, Col. 2 lines 56-58).

Consequently, reconsideration, and ultimately withdrawal, of the present rejection of claim 3, is respectfully requested. The request extends also to its rejected dependent claim 7.

The rejection as applied to claim 12 is no longer applicable, because claim 12 has been amended to include the features "wherein the connection between the inner shell and the outer shell is sealed by means of a gasket". This is based on language of claim 6, which has been held allowable in Numbered paragraph 6 of the Office Action. Hence, withdrawal of the rejection of claim 12 and of the claims 13 and 15 each depending on claim 12, is respectfully requested.

The rejection of claim 17 over Anderson has not been substantiated. The rejection appears to be reflecting an unintended clerical error, because claim 17 depends on a non-rejected base claim 8. Moreover, claim 11 that is similar and does depend on a rejected base claim, has not been rejected over Anderson.

Should the Examiner have intended to reject claim 11, it is here respectfully remarked that the rejection has been overcome by amendment of its reference to claim 3.

#### Allowable subject matter

Numbered paragraph 6 identifies claim 6 as containing allowable subject matter, provided that the rejections under 35 USC 112, second paragraph, are overcome and that it is rewritten in independent form. Applicant agrees with claim 6 allowing allowable subject matter, and thanks the Examiner accordingly.

However, Applicant has chosen not to rewrite claim 6 itself in an independent form, in view of Arguments presented in support of patentability of claim 3, on which claim 6 depends.

Subject matter from claim 6 has also been included in independent claims 12 and 24, however, without the elements from the previously intervening claims. It is nonetheless expected that claims 12 and 24 and their dependent claims 13-15, 23, and 25-28, are allowable for at least the same reason as claim 6 was held allowable. The stated allowability of claim 6 does not seem to have depended on features from these intervening claims since each of these intervening claims was rejected over the art.

#### Allowability of the new claims

Claims 18 to 23 are all dependent on either claim 3 or claim 8. It has been argued above that the rejections made in the Office Action are not applicable to claims 3 and 8, and therefore it is herewith respectfully submitted that the rejections are also not applicable to the new dependent claims 18 to 23.

New claim 24 is expected to be allowable because it contains subject matter from claim 6, which was held allowable by the Examiner (see section above marked "Allowable subject matter").

New claims 25 to 28 depend on claim 24, and are thus also expected to be allowable.

New claim 29 contains a phrase "the inner wall of the second flange is provided with at least one lug or ring and the inner shell is secured at or near its upper rim to that lug or ring". Similar arguments as provided above regarding claim 3 would therefore be applicable

to claim 29. Hence, it is respectfully submitted that the rejections based on Walters and Anderson are not applicable to new claim 29.

New claim 30 contains subject matter that was also part of claim 8. The same arguments as provided above regarding claim 8 would also show that the rejections based on either Walters or Anderson 30 would not have been applicable to claim 30 either.

New claim 31 contains some subject matter also present in claim 4. Arguments have been presented above with regard to claim 4 showing that the rejections were not applicable to claim 4. Hence, it is respectfully submitted that the rejections based on Walters and Anderson are not applicable to claim 31, nor any of its dependent claims 32 to 35, either.

Concluding remarks

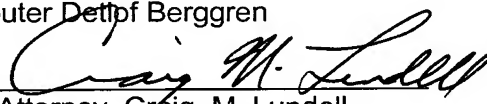
In conclusion, Attorney has addressed each and every ground for objection and rejection raised by the Examiner in the Office Action. Reconsideration is respectfully requested.

Attorney respectfully submits that the specification and claims, both new and as amended, are now in a state ready for allowance. In the event the Examiner has any questions or issues regarding the present application, the Examiner is invited to call the undersigned prior to the issuance of any written action.

Respectfully submitted,

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